



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.6396 of 2022 in Crl.A.No.491 of 2022

Arul Doss

... Petitioner/Appellant

Versus

State represented by
Inspector of Police,
Vickiramangalam Police Station,
Ariyalur District-625 207.

... Respondent/Complainant

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of the Code of Criminal Procedure to suspend the sentence, dated 25.04.2022 in Spl. S.C.No.9 of 2020 on the file of the learned Fast Tack Mahila Court, Ariyalur District and to release the petitioner/appellant on bail pending disposal of the above appeal.

For Petitioner : M/s.Shaikh Mehrunnisa Kasim

For Respondent : R.Vinoth Kumar
Govt. Advocate (Crl.Side)

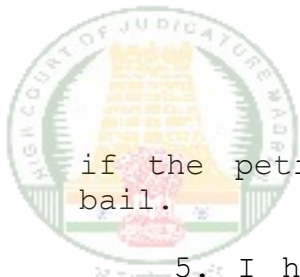
ORDER

This Criminal Miscellaneous Petition is to suspend the sentence, dated 25.04.2022 in Spl.S.C.No.9 of 2020 on the file of the learned Fast Tack Mahila Court, Ariyalur District and to release the petitioner/appellant on bail pending disposal of the above appeal.

2. Heard the learned Counsel for the petitioner and learned Government Advocate (Criminal Side) for the respondent.

3. The learned Counsel for the petitioner would submit that there is no proper evidence to prove the molestation as alleged by the prosecution and there is enmity between the two families and therefore, he would submit that the case itself is a false case.

4. Per contra, the learned Government Advocate would submit that this is a case arising under the POCSO Act. Even then the sentence has been suspended by the trial Court, it would be more appropriate



if the petitioner is directed to surrender and thereafter granted bail.

5. I have considered the rival submissions made on either side and perused the material on record.

6. Considering the nature of the allegations and the grounds raised in the Criminal Appeal, for the purpose of establishing prima facie case, I am of the view that this is a fit case for suspending the sentence pending disposal of the Criminal Appeal. Hence, I am inclined to suspend the sentence and grant bail to the petitioner on the following conditions:-

(a) the petitioner is ordered to be released on bail, on his executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the Trial Court;

(b) the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhar Cards or Bank Pass books to ensure their identities;

(c) the petitioner shall appear before the Trial Court on the first working day of every English Calendar Month at 10.30 A.M until the disposal of the Criminal Revision Case and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

7. This Criminal Miscellaneous Petition is ordered accordingly.

-sd/-

10/06/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE FAST TRACK MAHILA COURT
ARIYALUR.



2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VICKIRAMANGALAM POLICE STATION,
ARIYALUR DISTRICT.

C.C. to M/S. SHAIKH MEHRUNNISA KASIM Advocate on payment of
necessary charges

Order

in
CRL MP.6396/2022
in
CRL A.491/2022

Date :10/06/2022

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TA-13/06/2022